IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 19387 of 2005

Between:

Syed Badrudin and another

..... PETITIONERS

AND

The Joint Collector, Karimnagar,

Karimnagar District and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus declaring the proceedings of the 2nd respondent bearing No.C2/720/2005 dated 06.08.2005 and also the action of the 1st respondent in not passing any order either in the appeal or in the stay petition as arbitrary and illegal, the present writ petition is filed.

It is the case of the petitioners that one theatre known as 'Rose Talkies' was fell to the share of their father in the family partition in the Fasli year 1355 and their father was granted B-Form license. Their father expired in the year 1968 and subsequently the license was transferred in their favour and the same was being renewed from time to time. Respondent Nos.3 to 5 filed a petition before the 2nd respondent claiming that they are the owners of the said theatre. The petitioners filed a detailed counter placing relevant facts as to the ownership of their father. In the meanwhile, the 2nd respondent passed the impugned order though no grounds are made out warranting suspension of the license under Section 10(2)(b) of the A.P.Cinemas (Regulation) Act (for short 'the Act'), 1955. Hence the writ petition.

Heard the learned counsel on either side.

The learned counsel for the petitioners contended that B-Form license was granted originally in favour of father of the petitioners and thereafter, it was transferred in the name of the petitioners, and that Section 10(2) of the Act has no application because there is no misrepresentation of facts or fraud in obtaining B-Form license. The learned counsel for the petitioners raised several contentions.

Admittedly, the petitioners filed an appeal before the 1st respondent against the impugned order dated 06.08.2005 passed by the 2nd respondent. The petitioners cannot prosecute two parallel proceedings in respect of same cause of action or same impugned order. However, I deem it appropriate to give a direction to the 1st respondent to pass appropriate orders on the appeal filed by the petitioners against the impugned order dated 06.08.2005, within a period of 4

(four) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

K.C. BHANU,J

Dated: 01.09.2005

Dsr